**JOINT REGIONAL PLANNING PANEL**

**(Hunter and Central Coast)**

**Council Assessment Report**

COUNCIL ASSESSMENT REPORT

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| **Panel Reference** | **PPSHCC -65** | |
| **DA Number** | **DA/1295/2020** | |
| **LGA** | **Central Coast Council** | |
| **Proposed Development** | **Waste Management Facility (Glass Recycling Facility)O** | |
| **Street Address** | Lot 14 DP 243037 - No. 13 Lucca Road, Wyong | |
| **Applicant/Owner** | IQ Renew Pty Ltd | |
| **Date of DA lodgement** | 7 December 2020 | |
| **Total number of Submissions**  **Number of Unique Objections** | NIL | |
| **Recommendation** | **Approval subject to conditions** | |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011** | The application is declared to be Regionally Significant development in accordance with clause 20(1) of *State Environmental Planning Policy (State & Regional Development) 2011* as it is a waste management facility to which the provisions of clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000 (*EP&A Regulation), apply.  The proposal meets the requirements for designated development Schedule 3 clause 32 (1) (b) (iii) of the *EP&A Regulation* as it is a waste management facility that has a handling capacity of more than 30,000 tonnes per year. | |
| **List of all relevant s4.15(1)(a) matters** | * *Environmental Planning & Assessment Act 1979* (EP&A Act) * *Environmental Planning & Assessment Regulation 2000 (EP&A Regulation)* * *Local Government Act 1993* (LG Act) * *Protection of the Environment Operations Act 1997* * *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP State and Regional Development) * *State Environmental Planning Policy No 33 – Hazardous and Offensive Development* * *State Environmental Planning Policy No 55 - Remediation of Land* (SEPP 55) * *State Environmental Planning Policy (Koala Habitat Protection) 2021* * *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure) * *Adopted Central Coast Local Environmental Plan 2018* (CCLEP) | |
| **List all documents submitted with this report for the Panel’s consideration** | Draft Conditions of Consent  Architectural Plans  Secretary Environmental Assessment Requirements (SEARS)m | |
| **Clause 4.6 requests** | N/A | |
| **Summary of key submissions** | There are a couple of minor DCP variations in regards to setbacks but otherwise fully compliant. There were no public submissions and only going to the RPP as it is designated development. | |
| **Report prepared by** | **Katrina O’Malley** | |
| **Report date** | 5 July 2021 | |
| **Summary of s4.15 matters**  Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | | **N/A** | |
| **Legislative clauses requiring consent authority satisfaction**  Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?  *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | | **Yes** | |
| **Clause 4.6 Exceptions to development standards**  If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | | **N/A** | |
| **Special Infrastructure Contributions**  Does the DA require Special Infrastructure Contributions conditions (S7.24)?  *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | | **No** | |
| **Conditions**  Have draft conditions been provided to the applicant for comment?  *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | | **Yes** | |

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| **CENTRAL COAST COUNCIL**  **DEVELOPMENT APPLICATION ASSESSMENT REPORT** | |
| **Application Number** | DA/1295/2020 – PAN48805 |

**Summary**

The proposal is for the expansion of an existing Waste Management Facility (Materials Recycling Facility) on Lot 14 DP 243037, No. 13 Lucca Road, Wyong.

iQ Renew currently operates a materials recycling facility on the site for the recycling of waste glass. It is proposed to expand the existing facility by increasing the waste processing capacity to 75,000 tonnes per annum and the construction of a new building on the site associated with this expansion.

The proposal meets the requirements for designated development under Schedule 3 clause 32 (1) (b) (iii) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), as it is a waste management facility that has a handling capacity of more than 30,000 tonnes per year of glass.

The application has been assessed having regard for the matters for consideration under Section 4.15 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) and other relevant instruments, plans and policies. The proposal will not have any unreasonable amenity or environmental impacts and will not detract from the character or scenic qualities of the area. The proposed development is considered suitable for the General Industrial zone.

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| **RECOMMENDATION**   1. ***That the Hunter and Central Coast Regional Planning Panel grant consent to Development Application DA/1295/2020 at Lot 14 DP 243037, No. 13 Lucca Road, Wyong for the expansion of an existing waste management facility subject to conditions detailed in the schedule attached to the report and having regard to the matters for consideration detailed in section 4.15 of the Environmental Planning and Assessment Act and other relevant issues.*** 2. ***The Public Authorities be notified of the Panel’s decision.*** |

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**Precis**

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| **Delegation Level**  **Reason for Delegation Level** | Regional Planning Panel  Designated Development -Waste Management Facility | |
| **Property Lot & DP** | Lot 14 DP 243037 | |
| **Property Address** | No. 13 Lucca Road, Wyong | |
| **Site Area** | 1.14 hectares | |
| **Zoning** | IN1 General Industrial | |
| **Proposal** | Waste Management Facility (glass recycling facility) |
| **Application Type** | Designated Development Application |
| **Current Use** | Waste Management Facility |
| **Application Lodged** | 7 December 2020 |
| **Applicant** | iQ Renew Pty Ltd |
| **Estimated Cost of Works** | $3,098,069 |
| **Advertised and Notified / Notified Only** | Exhibition period 22/01/21 and 26/02/21 |
| **Submissions** | Nil |
| **Disclosure of Political Donations & Gifts** | Nil |
| **Site Inspection** | 4 March 2021 |
| **Recommendation** | Approval, subject to conditions |

**The Site and Surrounds**

The subject site is legally identified as Lot 14 DP 243037, No. 13 Lucca Road, Wyong. The site has an approximate area of 1.14 hectares.

The site is an irregular shape and located on a bend within Lucca Road. The site contains an existing resource recovery facility which involves the recycling of waste glass. The site contains an existing industrial building along the southern boundary with a hardstand area located within the northern portion of the site. The site currently gains access from Lucca Road on the northern and western boundaries with a weighbridge located at the northern access.

The site is located within an existing industrial area that consists of a number of varying uses. Land to the immediate north is currently vacant with environmental lands located further to the north and west of the site.

The site is zoned IN1 General Industrial under *Wyong Local Environmental Plan 2013*.

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Figure 1. Aerial View of the site

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Figure 2. The site as viewed from the east, looking west

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Figure 3. The site as viewed from the north, looking south

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Figure 4. The site as viewed from the east, looking north

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Figure 5. The site as viewed from Lucca Road on the northern frontage of the site

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Figure 6. The site as viewed from Lucca Road on the western frontage of the site

**Background**

The Secretary’s Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) for the proposed development was issued by the NSW Department of Planning and Environment on 13 August 2020.

DA/1295/2020 was lodged with Council on 7 December 2020. The matters outlined in the SEARs requirements have been addressed by the applicant within the submitted Environmental Impact Statement.

**The Proposed Development**

The proposed development is for the expansion of an existing Waste Management Facility (Glass Reprocessing) on Lot 14 DP 243037, No. 13 Lucca Road, Wyong.

iQ Renew (iQR) currently operate a glass sand processing facility from the site. The facility produces washed and engineered glass sand products for use in a range of applications in civil construction. The current approval allows up to 30,000 tonnes of materials on the site per annum. The proposed development would see the existing Waste Management Facility increase its capacity to 75,000 tonnes of glass per annum.

The proposed works include the following:

Stage 1 to include:

* Increase the facility capacity to 75,000 tonnes per annum;
* Alteration of the existing driveway access near the existing office and office carpark;
* Installation of a second weighbridge near office/office carpark entrance/exit;
* Installation of a 100,000 litre water detention tank;
* Establishment of additional landscaping over stormwater improvements and near the northern site entrance; and
* Construction of a new proposed seven space carpark near the existing truck entrance.

Stage 2 to include:

* Construction of new industrial shed;
* Installation of a hooded conveyor belt from existing building to new shed;
* Construction of three (300 tonne) storage silos for storage of finished product;
* Installation of a gantry over silos and northern weighbridge;
* Increase in the storage capacity to 2,800 tonnes on site at any given time, with the site previously approved to store 1,900 tonnes at any one time; and
* Alteration to the height of the inbound material loading area door by an additional 3.7 metres and roof of the existing shed by an additional 4.2 metres.

The hours of operation would continue to be as approved which is 24 hours a day, seven days a week. There is to be a maximum of 13 staff on the site at any one time with three shifts operating on the site including a morning, afternoon and night shift. It is expected that the proposal would create an additional six full time positions for the business. The existing retaining walls and boundary treatments along the eastern and southern boundaries will remain unchanged under the current proposal.

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Figure 7. Proposed Stage 1 works

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Figure 8. Proposed Stage 2 works

**Variations to Policies**

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| **Clause** | 3.2 Calculation of Carparking Spaces |
| **Standard** | One space per 200m2 of site area |
| **LEP/DCP** | WDCP 2013 – Chapter 2.11 Parking and Access |
| **Departure basis** | 57 spaces required. 18 provided. 68% variation |

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| **Clause** | 2.3(a) Setbacks |
| **Standard** | Minimum building setback = 10 metres |
| **LEP/DCP** | WDCP 2013, Chapter 2.12 – Industrial Development |
| **Departure basis** | 7.5m setback provided. 25% variation |

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| **Clause** | 2.3(a) Setbacks |
| **Standard** | Five metre landscaping strip to be provided within setback area. |
| **LEP/DCP** | WDCP 2013, Chapter 2.12 - Industrial Development |
| **Departure basis** | 3.5m wide landscape area. 30% variation |

**Internal consultation**

The application has been referred to and reviewed by the following experts in council:

* Environmental Health
* Engineering
* Engineering - Traffic and Transport
* Contributions

All officers are satisfied with the proposal, subject to recommended conditions.

**History**

Development Application No. DA/624/1997 was approved 15 October 1997 for the use of an existing factory for a recycling depot and offices.

Development Application No. DA/624/1997 was approved 17 January 2014 to increase the hours of operation to 24 hours per day and increase the amount of waste to be recycled on the site per annum to 16,000 tonnes.

Development Application No. DA/624/1997/B was modified 3 December 2018 to enable 30,000 tonnes of waste glass to be recycled per annum on the site. The approval also involved several internal modifications to allow the facility to focus purely on waste glass recycling.

Development Application No. DA/624/1997 was further modified an additional two times to allow minor modifications to the site. The latest modification is ‘E’ on 24 September 2019.

The EPA issued an Environment Protection Licence (EPL No. 21224) on 5 August 2019 under the *Protection of the Environment Operations Act 1997* (POEO Act) to undertake the scheduled activities of resource recovery for the recycling of waste glass.

Development Application No. DA/508/2020 was approved 7 August 2020 for the installation of external bunkers and alterations to onsite parking arrangements. This consent has not yet been commenced and will be surrendered as it is no longer required.

A briefing was held with the Hunter Central Coast Regional Planning Panel on 22 April 2021.

**Ecologically Sustainable Principles**

The proposal has been assessed having regard to ecologically sustainable development principles and is consistent with the principles.

The proposed development is considered to incorporate satisfactory stormwater, drainage and erosion control and is unlikely to have any significant adverse impacts on the environment and will not decrease environmental quality for future generations. The proposal does not result in the disturbance of any endangered flora or fauna habitats and is unlikely to significantly affect fluvial environments.

**Climate Change**

The potential impacts of climate change on the proposed development have been considered by Council as part of its assessment of the development application. This assessment has included consideration of such matters as potential rise in sea level; potential for more intense and/or frequent extreme weather conditions including storm events, bushfires, drought, flood and coastal erosion; as well as how the proposed development may cope, combat, withstand these potential impacts. The proposed development is considered satisfactory in relation to climate change.

**Assessment**

This application has been assessed having regard for the matters for consideration specified under section 4.15 of the EP&A Act, and other relevant instruments, plans and policies.

**s. 4.15 (1)(a)(i) of the EP&A Act: Provisions of any environmental planning instruments/Plans/Policies**

***Protection of the Environment Operations Act 1997***

An Environment Protection License is only required in accordance with Clause 26 of Schedule 1 of the *Protection of the Environment Operations Act 1997* if the daily tonnage of a site exceeds 150 and the yearly tonnage exceeds 30,000. The site currently has a licence (Environment Protection Licence 21224) with a maximum yearly tonnage of 30,000. The current proposal will increase the yearly tonnage to 75,000 and as such will require the existing licence to be amended.

The EPA has issued their General Terms of Approval for the proposal that will require the existing Environment Protection Licence (EPL 21224) be varied and also provided conditions to be included as part of any consent. A condition of consent has been recommended that requires the applicant to amend the existing licence.

***Environmental Planning and Assessment Regulation 2000***

**Designated Development**

The application is categorised as Designated Development under Schedule 3 clause 32 (1) (b) (iii) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), as it is a waste management facility that has a handling capacity of more than 30,000 tonnes per year of glass:

***32******Waste management facilities or works***

*(1)  Waste management facilities or works that store, treat, purify or dispose of waste or sort, process, recycle, recover, use or reuse material from waste and—*

*(a)  that dispose (by landfilling, incinerating, storing, placing or other means) of solid or liquid waste—*

*(i)  that includes any substance classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*

*(ii)  that comprises more than 100,000 tonnes of “clean fill” (such as soil, sand, gravel, bricks or other excavated or hard material) in a manner that, in the opinion of the consent authority, is likely to cause significant impacts on drainage or flooding, or*

*(iii)  that comprises more than 1,000 tonnes per year of sludge or effluent, or*

*(iv)  that comprises more than 200 tonnes per year of other waste material, or*

*(b)  that sort, consolidate or temporarily store waste at transfer stations or materials recycling facilities for transfer to another site for final disposal, permanent storage, reprocessing, recycling, use or reuse and—*

*(i)  that handle substances classified in the Australian Dangerous Goods Code or medical, cytotoxic or quarantine waste, or*

*(ii)  that have an intended handling capacity of more than 10,000 tonnes per year of waste containing food or livestock, agricultural or food processing industries waste or similar substances, or*

***(iii)  that have an intended handling capacity of more than 30,000 tonnes per year of waste such as glass, plastic, paper, wood, metal, rubber or building demolition material, or***

*(c)  that purify, recover, reprocess or process more than 5,000 tonnes per year of solid or liquid organic materials, or*

*(d)  that are located—*

*(i)  in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*

*(ii)  in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*

*(iii)  within a drinking water catchment, or*

*(iv)  within a catchment of an estuary where the entrance to the sea is intermittently open, or*

*(v)  on a floodplain, or*

*(vi)  within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

The SEARs outlined the key issues for the EIS to address and the relevant state authorities and landowners with which to consult and included the following:

1. **Key Issues:**

* Strategic and statutory context
* Suitability of the site
* Waste Management
* Air Quality and Odour
* Noise and Vibration
* Soil and Water
* Traffic and Transport
* Hazards and Risk
* Fire and Incident management
* Community and Stakeholder Engagement
* Biodiversity
* Visual
* Heritage
* Environmental Planning Instruments and other Policies

1. **Consultation:**

* Environment Protection Authority
  + No Comment
* Transport for NSW;
  + No Comment
* Rural Fire Service
  + A bush fire report demonstrating that the proposal meets the aims and objectives of *Planning for Bushfire Protection 2019.*
* Fire & Rescue NSW
  + No issues raised
* Central Coast Council.
  + A pre-development meeting was held with Central Coast Council staff on 10 September 2020.
* Surrounding landowners and occupiers that are likely to be affected by the proposal.
  + Letterbox drop within 500 metres of the site on 2 October 2020. There are no residential properties within 800 metres of the site.

The matters outlined in the SEARs requirements have been addressed by the applicant within the Environmental Impact Statement and supporting reports and documentation**.**

**s. 4.15(1)(a)(i) of the EP& A Act: Environmental Planning Instruments:**

**State Environmental Planning Policies (SEPP’s)**

State Environmental Planning Policy No 33 – Hazardous and Offensive Development (SEPP 33)

The proposed development has been assessed to ascertain whether SEPP 33 applies using the criteria outlined in NSW Planning’s ‘Applying SEPP 33’ (2011) which identifies which developments must be assessed under SEPP 33. The use to continue on the site does not cause any omissions which would result in a significant level of offence.

Although there may be small quantities of contaminates, the site is not offensive with regard to odour or amenity. All processing of materials is within the existing shed and there is no discharge to stormwater. The development is therefore not potentially offensive. The development also does not meet the definition of hazardous industry or offensive industry under SEPP No. 33 - Hazardous and Offensive Development.

State Environmental Planning Policy No 55 – Remediation of Land

Clause 7 of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider whether the land is contaminated, and if so, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The site is not identified as contaminated land on the NSW Contaminated Sites Register. The proposal will be constructed on an existing concrete pad and would involve minimal ground disturbance. Given the current and proposed use of the site the proposal is considered suitable for the proposed development.

State Environmental Planning Policy (State and Regional Development) 2011

The application is declared to be Regionally Significant development in accordance with clause 20(1) of *State Environmental Planning Policy (State & Regional Development) 2011* as it is a designated waste management facility to which the provisions of clause 32 (1) of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000* apply.

The proposal meets the requirements for designated development having regard for Schedule 3 clause 32 (1) (b) (iii) of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), as it is a waste management facility that has a handling capacity of more than 30,000 tonnes per year of glass.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the above SEPP relates to traffic generating development and requires the Transport for NSW to be notified of an application for traffic generating development, which includes waste or resource management facilities of any size or capacity as identified within Schedule 3.

The application was referred to TfNSW who made no objection to the proposal subject to conditions, which have been discussed further within the report. Overall it is considered that the expansion of the existing use could be catered for on the site and within the existing road network.

State Environmental Planning Policy No (Koala Habitat Protection) 2021

The Central Coast local government area is identified within Schedule 1 of the above SEPP and as such the requirements of Part 2 of the SEPP are applicable to the proposal. There is currently no approved Koala Plan of Management for the locality. Before grating consent, the Council is required to assess whether the development is likely to have any impact on koalas or koala habitat.

The site is largely cleared and there is minimal tree canopy on the site and as such the site would not be considered core koala habitat. The location within an existing industrial estate would further make the site unsuitable koala habitat. The proposal would therefore not have any impact upon koala’s or koala habitat and consent can be granted without a koala plan of management.

**Local Environmental Plans**

Wyong Local Environmental Plan 2013 (WLEP 2013)

* Permissibility

The subject site is zoned IN1 General Industrial under Wyong Local Environmental Plan 2013 (WLEP 2013). The proposed development, defined as a resource recovery facility, is permissible in the zone with development consent and is defined as follows:

***“resource recovery facility*** *means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.”*

The objectives for the IN1 General Industrial zone are:

* *To provide a wide range of industrial and warehouse land uses.*
* *To encourage employment opportunities.*
* *To minimise any adverse effect of industry on other land uses.*
* *To support and protect industrial land for industrial uses.*
* *To promote ecologically, socially and economically sustainable development.*
* *To ensure that retail, commercial or service land uses in industrial areas are of an ancillary nature.*
* *To ensure that development is compatible with the desired* *future character of the zone.*

The proposed development meets the objectives of the IN1 General Industrial zone as:

* The proposal will contribute to the variety of industrial land uses available in the locality
* The proposal will provide for additional employment opportunities
* The proposal will have no unreasonable impacts on other land uses
* The proposed development is considered industrial in nature and is planned for land zoned for this purpose
* Potential environmental impacts of the proposal are considered minimal and can be adequately mitigated.
* No retail, commercial or service land uses are proposed
* The proposal is consistent with the zone objectives and consistent with the desired future character of the zone.
* Clause 4.3 Height of Buildings

There is no statutory height limit prescribed by WLEP 2013 for the subject site.

* Clause 4.4 Floor Space Ratio

There is no floor space ratio requirement prescribed by WLEP 2013 for the subject site.

* 7.1 Acid Sulfate Soils

The site is mapped as containing Class 5 acid sulfate soils (ASS) and is located approximately 130m from Class 3 acid sulfate soils. The development is unlikely to lower the water table below 1 metre AHD on the adjacent Class 3 land therefore no further information is required.

**s. 4.15(1)(a)(ii) of the EP& A Act: Draft Environmental Planning Instruments:**

The following draft Environmental Instruments apply to this application:

Adopted Central Coast Local Environment Plan (CCLEP)

Central Coast Local Environmental Plan 2018 (CCLEP) was publicly exhibited from 2 December 2018 until 28 February 2019 and will consolidate the planning instruments of the former Local Government Areas. The draft CCLEP was adopted by Council on 14 December 2020, however it is not yet gazetted.

Under adopted CCLEP, the site will retain its IN1 General Industrial zoning and development for the purpose of resource recovery facility will remain permissible within the zone. There are no new or amended Clauses or provisions warranting further discussion. The proposal is therefore consistent with the Adopted Central Coast Local Environment Plan 2018.

**s. 4.15(1)(a)(iii) of the EP&A Act: Provisions of any development control plan**

Wyong Development Control Plan 2013 (WDCP 2013)

Wyong Development Control Plan 2013 (WDCP 2013) provides objectives, design criteria and design guidance on how development proposals can achieve good design and planning practice. The proposal is considered acceptable having regard to the requirements of WDCP 2013.

* WDCP 2013, Chapter 2.11 – Parking and Access

The above chapter requires that Material Recycling Depots provide parking at the rate of one space per 200m2 of site area. Service area is to be of adequate size for appropriate trucks. The site has an area of 1.14 hectares and as such would require the provision of 57 spaces based on the site area and an adequate area is available to cater for the trucks utilising the site.

A total of 57 spaces would therefore be required to be provided on the site. The site will provide a total of 18 spaces and as such would have a shortfall of 39 spaces and result in a variation of 68% to the requirement. It is noted that the adopted, but not yet operational, consolidated Central Coast Development Control Plan no longer defines parking required for material recycling depots and has a flat rate for industrial development with a rate of one space per 100m2 of industrial floor space and one space per 40m2 for associated offices. This would require a total of 46 spaces which would still result in a 61% variation.

The parking is proposed to be provided in the first stage of the works to ensure that the maximum amount of parking will be provided on the site to meet the demands of the business. The applicant has advised that the site is expected to have a maximum of 13 staff on site at any one time. The maximum amount of staff on the site would be at the shift change for facility operational staff. The proposed parking would therefore be capable of catering for expected staff and any visitors to the site. It is also noted that the site has an extensive street frontage that would be able to cater for any one off, unexpected overflow parking for the site.

A recent proposal for a waste transfer station subject to WDCP 2013 would have also required a variation in regards to parking. As assessment was undertaken against the proposed staffing levels which was considered to better represent the parking demands for the proposal. An assessment based on staffing levels is therefore consistent with what has previously been applied to a similar development within the local area.

The proposed variation to parking is therefore considered to be suitable for the proposal as the applicant has demonstrated that the parking requirements would be too onerous and do not represent the operations on the site. The parking proposed to be provided would cater for the continued use of the site and would be more than sufficient. The proposed variation is therefore supported in its current form.

* WDCP 2013, Chapter 2.12 – Industrial Development

The proposed development has been assessed against the requirements of the above policy however requires variations in regards to carparking, building setbacks and landscaping requirements for setback areas. An assessment against the requirements of the above policy can be found at the rear of the report.

The proposal is required to comply with the requirements of Chapter 2.11 (Parking and Access) under the above plan. The variation in regards to parking has been previously discussed and support for the parking variation remains unchanged.

The above policy also requires that buildings are required to be setback a minimum of 10 metres to any local roads. The proposed new building, to be constructed in stage two, includes a small portion of the building to be setback 7.5 metres from the front boundary and as such would require a 25% variation to the requirement.

The proposed building setback variation is only applicable to a small portion of the northern elevation of the building as shown in Figure 9 below. The proposed variation applies to around 11% of the building setback for the proposed building and only 6% of the entire street frontage of the site. All other existing and proposed setbacks meet or exceed the required 10 metre setback.

The proposed location of the new building on the site is limited in that the building needed to be located adjacent to the existing weighbridge whilst also located in a position that would allow the movement of trucks through the site. The proposed building would also take advantage of the existing concrete pad on the site.

Although the proposal would result in a portion of the building not meeting the required setback, the variation only applies to a small portion of the building and would not result in any significant visual impacts. The proposed building is also of a similar scale and design to other developments within the locality.

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Portion of building (shown in blue) subject to setback variation

Figure 9. Area of proposal subject to setback variation

The above chapter also requires that industrial developments are required to provide a five metre landscape area within the building setback area. The proposal generally complies however there is a portion of the landscape area that will be less than five metres in width. A portion of the landscaping will have a width of between 3.5 and 5 metres, as shown in Figure 10, and as such would require a maximum variation of 30%.

The proposed landscape area along the boundary of the site is consistent what has been provided on the site since the original development was approved on the site, with the existing vegetation and fencing to be maintained in its current position. There are a number of existing gum trees and shrub plantings located within the front setback area that are all to be retained as part of the current proposal. The proposal will result in an increase in landscaping along the northern portion of the boundary, which is currently void of landscaping, except for a small number of existing trees.

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Figure 10. Existing vegetation to the western frontage to be retained.

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Figure 11. Existing vegetation to the northern frontage to be retained.

The proposed landscaping to be provided to the frontage of the site is consistent or above what has been provided for other developments within the locality. A number of sites within the locality are provided with minimal to no landscaping to the street frontage. The proposal will result in a development that better screens the site from the street and allows the existing landscaping to be expanded. The proposed variation to the landscape area is therefore supported in its current form. The proposal will be conditioned to ensure that new landscaping is suitably signed off prior to occupation and that the landscaping is also maintained to maturity.

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Figure 12. Area of landscaping subject to variation (yellow) and area meeting minimum requirements (green).

* WDCP 2013, Chapter 6.11 – North Wyong Industrial and Enterprise Precinct

The proposal has been assessed against the requirements of the above policy and has been found to be generally compliant with the requirements however requires a variation in regards to carparking. The proposal is required to comply with the requirements of Chapter 2.11 under the above plan. The variation in regards to parking has been previously discussed and support for the parking variation remains unchanged.

**s. 4.15(1)(b) of the EP&A Act: Likely Impacts of the Development including the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

Context and Setting

The proposed built form is considered acceptable in the context of the site. The site is located within the IN1 General Industrial zone of the WLEP 2013. The proposal is in line with the existing industrial context and is considered to be in line with the desired future character of the area.

The proposed development is not considered to have any adverse impacts on scenic quality, or the streetscape of the immediate locality, given the setbacks that are proposed and the landscaping that is proposed

Access, transport and traffic

Access to the site is currently via existing access crossings on the northern and western boundaries. The existing access crossings are to remain unchanged however, a formalised entry (northern access) and exit (western access) will be in place for trucks entering and exiting the site. The proposal would result in approximately an additional 20 vehicles movements per day. These movements will be spread across the day and may result in an increase of 1-2 extra truck movements per hour. The existing road network would be capable of absorbing the additional truck movements.

The site will also have an increase of six additional staff. These staff will be spread across the day with the introduction of an additional shift across the day. This would ensure there would be no significant vehicle movements as a result of staff on the site. Sufficient parking would also be provided on the site to cater for all staff working at any one time.

Utilities

The site is serviced by existing water and sewer utilities. The development proposes no additional facilities on the site to be connected to the existing water and sewer utilities. Existing utilities would be able to cater for any additional needs should they arise a later date. The proposed works would also be located clear of any existing utilities.

Heritage

The site is not located in the vicinity of any heritage items. There are no known aboriginal heritage items present on the site. A condition is recommended that requires works to cease if any item are discovered during construction works and reporting of any Aboriginal objects (including evidence of habitation or remains) that are identified during construction.

Soils

*Acid Sulfate Soil (ASS)*

Excavation related to the proposed water detention tank is not expected to exceed 1.5m depth and therefore, no acid sulfate soils are expected to be disturbed during works. Acid sulfate soils are not typically found at the location, however, works in a class 5 area that are likely to lower the water table below 1 metre AHD on adjacent class 1, 2, 3 or 4 land would trigger the requirement for assessment and may require management. This proposal would not lower the water table and therefore there is no potential for impact.

*Contamination*

The site is currently not identified as contaminated land and is unlikely to create any contamination issues within the locality.

*Erosion and Sediment Control*

Excavation works for the site would be minimal for the proposal. There would therefore be minimal soil disturbance as a result of the proposed works and therefore less likely impacts such as subsidence, instability or soil erosion. The proposal will be required to have erosion and sediment control measures in place during works where any soil disturbance is to take place, such as the installation of the detention tank.

Air and the microclimate

An air quality impact assessment was completed by RWDI to assess the likely impact of the proposed development on air quality, dust and odour. The land use immediately surrounding the site is industrial. The nearest and most potentially affected residential receptors are located in Wadalba, approximately 1,000 m to the east and Watanobbi, approximately 1,100 m to the east.

The facility processes separated, unprocessed glass which is inherently devoid of potentially odorous material. The site has operated for 2+ years and has received zero air quality related complaints. Odour was assessed qualitatively, due to the minimal emissions of input material. Odour from the increase in glass processing tonnage is not expected to affect the locality.

Dust and particulate matter are the major air pollutants associated with the proposal. Specifically, particulate matter (PM2.5 and PM10), total suspended particulates (TSP) and deposited dust. Potential sources of air emissions from the proposal include loading and unloading of material, processing material (crushing and screening) and movements of vehicles on road surfaces. Wind erosion from stockpiles would be negligible since the glass sand products would be stored inside the buildings. The proposed development of Stage 2 would effectively reduce the need for loading of material outside.

Dust emissions profiles for the proposed development are compliant with the NEPM assessment criteria. Therefore, the proposed development of Stage 1 and Stage 2 of the proposal is suitable for the site and location, with regards to air quality.

Waste

Only glass waste would be accepted at the facility, however it is acknowledged that a degree of contamination would be present. Any contamination is separated from the glass waste during processing and would be disposed at an appropriately licenced waste facility. Standard procedure of rejection of any highly contaminated loads or general waste loads would continue to be followed by the facility and its staff.

Biodiversity

The site is not identified as containing any endangered ecological communities or threatened flora or fauna. The site is also not located in the vicinity of any sensitive environments. The site is already developed and would not involve the removal of any existing vegetation on the site. The proposed development would therefore have no impacts upon biodiversity.

Noise and Vibration

An operational noise assessment was undertaken for the proposed development by RAPT Consulting. The site has an existing approval to operate 24 hours a day seven days per week which is not proposed to change under the current proposal. Materials processing is proposed to occur from 5am - 12 midnight and maintenance from 12 midnight - 5am, in line with current operations.

Operations would however be intensified to process the additional material. Presently, processing is undertaken in one to two shifts per day, Monday to Friday. A second shift would be made permanent to daily operations with an additional third shift to be added from time to time, when the need arises to handle material inputs. The facility operates on weekends in peak periods and would continue to do so.

Construction would include excavation works associated with the installation of the proposed water detention tank, preparation of the site for construction of the new shed and weighbridge and construction of the new parking area. Construction noise is expected to meet construction noise management levels.

Operation noise sources include glass crusher, waste line, front end loaders and on-site truck movements. Based on the results of modelling, compliance with project noise trigger levels can be expected for the development at surrounding commercial/industrial and residential receptors with no noise mitigation required, beyond that which is already in place at the site.

Due to the nature of the proposal and distances from site to receivers, vibration risks have been assessed, and are negligible. The report indicates that the site would be compliant with noise and vibration goals for nearby residential and commercial/industrial noise receivers, both day and night.

Natural Hazards

The site is identified as bushfire prone land in the form of a bushfire buffer as a result of the existing vegetation located to the south-east of the site. The proposed development is for the expansion of an existing industrial use on the site. The proposed development would not increase the bushfire risk within the locality and the proposed development is also considered to be consistent with the aims and objectives of *Planning for Bushfire Protection 2019*. The proposal was also referred to the NSW Rural Fire Service, under Section 4.14 of the *Environmental Planning and Assessment Act 1979*, who have provided proposed conditions to be included in the consent.

There are no other natural hazards that would render the site unsuitable for development.

Social and economic impact in the locality

The proposed development will allow the expansion and continued operation of an existing locally operated industrial use. The proposed works will result in the proposal creating an estimated six full time positions that could be filled by local residents. The proposed expansion would also divert additional glass from landfill and the associated costs with disposing of that waste.

Cumulative impacts

The relevant studies have been undertaken in relation to current site conditions and potential impacts from proposed operations on noise and vibration, traffic, air quality, ecology, groundwater and stormwater. Subject to compliance with the recommended conditions of consent and the relevant studies, it is considered there will be no cumulative impacts associated with the proposed development.

**s. 4.15 (1)(c) of the EP&A Act: Suitability of the Site for the Development**

The site is zoned IN1 Industrial General which permits a range of industrial uses. The development is considered to be in accordance with the desired future character of the area as envisaged by the WLEP 2013. The site is not unreasonably impacted by constraints and as such the site is considered suitable for this type of development.

**s. 4.15 (1)(d) of the EP&A Act: Any Submission Made in Accordance with This Act Or Regulations**

Section 4.15 (1)(d) of the EP&A Act requires consideration of any submissions received during notification of the proposal.

The proposal was formally advertised and notified between 22 January 2021 and 26 February 2021, in accordance with Chapter 1.2 Notification of Development Proposals of WDCP 2013. No submissions were received during the notification period.

**Submissions from Public Authorities**

The application was referred to the following State Government Agencies:

* Environment Protection Authority
* Transport for NSW
* NSW Rural Fire Service
* Fire and Rescue NSW

Comments received from each are summarised and addressed below:

Environment Protection Authority

The application was referred to the Environment Protection Authority (EPA) under Schedule 1 of the *Protection of the Environment Operations Act 1997*. Correspondence from EPA was received 7 May 2021. The EPA has issued their General Terms of Approval for the proposal that will require the existing Environment Protection Licence (EPL 21224) be varied and also provided conditions to be included as part of any consent.

Transport for NSW

The application was referred to Transport for NSW (TfNSW) under Clause 104/Schedule 3 of *State Environmental Planning Policy (Infrastructure) 2007*. Correspondence from TfNSW was received 23 March 2021. TfNSW have reviewed the provided information and recommends that the following matters should be considered by Council in determining the application:

* It is noted that the intersection of the Pacific Highway (HW10) and Lucca Road is reaching capacity. The Warnervale District Contributions Plan indicates that this intersection is proposed to be upgraded to signals when delays at the intersection exceed 42 seconds.
* All matters relating to internal arrangements on-site such as traffic/pedestrian management, parking, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to consider.

TfNSW recommends that the following matters should be considered by Council in determining this development:

* TfNSW has no proposal that requires any part of the property.
* Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
* Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Ausroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

Comment:

The Traffic Impact assessment indicates that the proposed expansion will increase the annual throughput of the facility by 45,000tpa, creating demands for up to 20 additional heavy vehicle movements per day (10 inbound and 10 outbound vehicle movements). Whilst the approval allows for operations to occur over 24 hours, the majority of vehicle deliveries would occur between 4am-6pm, giving an average of an extra 1-2 heavy vehicle movements per hour (inbound and outbound combined).

The intersection of Pacific Highway and Lucca Road is currently nearing capacity, however the proposed 10 inbound and outbound trips per day will not significantly impact the intersection capacity.

The existing driveways to the site are to be retained with trucks to enter the site via the northern entry and exit via the western driveway. The arrangement has been in place for a number of years with adequate sight distances available for the site.

NSW Rural Fire Service

The application was referred to NSW Rural Fire Service (RFS) under Section 4.14 of the *Environmental Planning and Assessment Act 1979*. Correspondence was received from RFS 28 January 2021. The RFS have no objections to the proposal and provided conditions to be included as part of any consent.

Fire and Rescue NSW

The application was referred to Fire and Rescue NSW for comment and no comments received for the proposal.

**s. 4.15 (1)(e) of the EP&A Act: The Public Interest**

**Other Matters for Consideration**

Development Contribution Plan

There are currently no applicable Section 7.11 contributions for the proposal. The proposal however represents an intensification and addition to the existing development and therefore a contribution under Council’s Section 7.12 plan is required. The proposed contribution is based on the proposed value of works and will be conditioned accordingly.

**Conclusion**

This application has been assessed having regard for the matters for consideration under the Section 4.15 of the *Environmental Planning and Assessment Act* *1979* and all relevant instruments, plans and policies. The Environmental Impact Statement (EIS) has adequately addressed the requirements of the SEAR’s.

The proposed development is not expected to have any adverse built, natural, social or economic impacts. It is considered that the proposed development will complement the locality and meet the desired future character of the area. Accordingly, the application is recommended for approval pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

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**Attachments**

1. Assessment Table
2. Proposed Conditions of Consent (D14438163)
3. Architectural Plans prepared by (D14386940 & D14386942)
4. Secretary’s Environmental Assessment Requirements (SEARs) (D14386802)

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**ATTACHMENT 1**

**Assessment Table**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Proposed** | **Required** | **Compliance** |
| **Site Area** | 1.14ha | Existing | Existing |
| **FSR** | 0.4:1 | 0.8:1 (maximum) | Yes |
| **Gross Floor Area** | 4,450m² | 7,296m² | Yes |
| **Site Coverage** | 39% | 50 % (maximum) | Yes |
| **Building Setbacks**  **- Front (street)**  **- West side**  **- South Rear** | -  7.5m  15.4m  60m | -  10m min (other road)  Nil/BCA  Nil/BCA | Variation  Yes  Yes |
| **Landscaped front setback** | 3.5m (excepting driveways) | 5m | Variation |
| **Parking**  Materials recycling depot  Accessible parking  Service requirements | 18  1  Suitable area | 57 spaces required based on 1/200m² site area  1  Suitable area for use | No, Traffic impact Assessment provided |
| **Manoeuvring** | Satisfactory | Wholly on site, screened from street, separated from parking and pedestrian access | Complies |
| **Loading Area** | Satisfactory | Wholly on site and separate from parking and pedestrian access | Complies |
| **Materials and finishes** | Existing office masonry construction and shed to match existing buildings on the site. Satisfactory landscape screening of sheds | Predominantly masonry construction, high quality, durable, natural colours | Satisfactory |
| **Built form** | Shed to be visually screened from view with landscaping to street boundary. | Avoid large expanses of blank walls, articulation of facades | Satisfactory |
| **Height of masts, stacks, silos, distilling towers** | Silos 8.5m to 9.2m | 12m | Satisfactory |
| **Storage** | Satisfactory due to landscaped boundary screening | Screened from view from public places, behind front setback | Satisfactory |
| **Signage** | Existing signage on the site and no new signage proposed. | 1 freestanding sign per lot | Yes |

**ATTACHMENT 2**

**Draft Conditions of Consent**

**ATTACHMENT 3**

**Architectural Plans**

**ATTACHMENT 4**

Secretary’s Environmental Assessment Requirements (SEARs)